

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DERRICK J. ELLERBE,**  
**Plaintiff,**

**v.**

**U.S. DISTRICT COURT FOR THE  
EASTERN DISTRICT OF  
PENNSYLVANIA, *et al.***  
**Defendant.**

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**CIVIL ACTION NO. 22-CV-4250**

**ORDER**

AND NOW, this 23<sup>rd</sup> day of November, 2022, upon consideration of Plaintiff Derrick J. Ellerbe's Motion to Proceed *In Forma Pauperis* (ECF No. 1), and *pro se* Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART**

**WITHOUT PREJUDICE** for the reasons in the Court's Memorandum as follows:

- a. The Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction to the extent that Ellerbe seeks mandamus relief pursuant to 28 U.S.C. § 1361.
- b. The Complaint is **DISMISSED WITH PREJUDICE** to the extent that Ellerbe seeks to raise civil rights claims.
4. The Clerk of Court is **DIRECTED** to close this case.

**BY THE COURT:**

/s/ **MICHAEL M. BAYLSON**

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**MICHAEL M. BAYLSON, J.**